

**Finding of No Significant Impact**  
**Supplement Environmental Assessment**  
**DOI-BLM-ES-0020-2012-0039-EA**

## **INTRODUCTION**

The Supplement Environmental Assessment (EA) for the Best Coal, Inc. coal lease presents additional information about the status of regulatory oversight for surface water runoff by the State of Alabama. The PA is to re-offer for lease approximately 160 acres of split estate federal coal for surface mining. The tract would be leased as Federal Coal Lease ALES-55199 by the U.S. Department of the Interior, Bureau of Land Management (BLM). As an addition of acreage to the Narley Mine, the life of the mine would be extended. Existing and permitted surface facilities would be used to support surface mining activities. The No Action Alternative is to not lease the federal coal.

The BLM, in cooperation with the U.S. Department of the Interior Office of Surface Mining, Reclamation, and Enforcement (OSMRE), conducted the original environmental analysis, and this supplement would not change the range of alternatives analyzed previously. The EA specifically addresses the potential consequences of implementing the PA and the No Action Alternative. The analysis was initiated by the agencies in response to an application to lease federal coal beneath the tract by competitive leasing protocol, submitted to the BLM.

Finally, the BLM Eastern States has reviewed and confirmed that the proposed action of this Supplement is in conformance with the following approved land use plans: 1) the [Alabama](#) Record of Decision and Approved Resource Management Plan (March 2009); and 2) the Narley Mine No. 3 Coal Lease Resource Management Plan Amendment, Land Use Analysis and Environmental Assessment for Federal Coal Lease in Jefferson County, Alabama ([DOI-BLM-ES-0020-2012-0039-EA](#)).

## **CONSULTATIONS AND EXTERNAL SCOPING**

As part of the NEPA process for the original EA, a public hearing was conducted on November 14, 2014 at a location near the coal tract after advertising the meeting in the Federal Register (81 FR 13417) and in a local newspaper (The Birmingham News, 3/16, 3/23, and 3/30/2016). No comments were received at the meeting or in the 30 day period after the hearing, as provided in the public notice.

In addition to the public involvement prescribed by 43 CFR 1610.2, previous consultation has occurred with ASMC, U. S. Department of Interior Fish and Wildlife Service (USFWS), the Alabama Department of Conservation and Natural Resources (ADCNR), the State of Alabama Historical Commission (AHC), the U.S. Army Corps of Engineers (ACOE), and the Region 4 Office of the Environmental Protection Agency (EPA).

The BLM has also conducted Tribal consultation previously. Pursuant to the applicable requirements BLM sent letters to 15 separate tribes. Responses were received from the Seminole Tribe of Florida and the Alabama Coushatta tribe. Neither tribe expressed any objection to the proposed lease sale; but they requested that they be notified should any artifacts be discovered during construction or mining. There are no Tribal lands in close proximity to the affected lands.

Finally, the Supplement to EA (DOI-BLM-ES-0020-2012-0039-EA) will undergo a 30 day comment period.

## **FINDING OF NO SIGNIFICANT IMPACT**

Based upon a review of the Supplement Environmental Assessment DOI-BLM-ES-0020-2012-0039-EA and supporting documents, I have determined that the proposed action is not a major Federal action, and will not significantly affect the quality of the human environment, individual or cumulatively, with other actions in the general area. No environmental effects meet the definition of significance in context or intensity as defined in 40 CFR 1508.27. This finding is based on the context and intensity of the project as described:

### **Context:**

The Narley Mine No. 3 and the approximately 160 acres of federally owned coal are located approximately five miles north of Mt. Olive, Alabama, on Glovers Bend Road, in Jefferson County, Alabama. The proposed lease location is described as: The SW 1/4 of the NW 1/4, the N 1/2 of the SW 1/4 and the SE 1/4 of the SW 1/4 of Section 24, Township 15 South, Range 4 West.

The surface over the Federal coal is privately owned and the surface owner has granted consent to the mining. The BLM ES proposes to coordinate with the state regulatory agency, the Office of Surface Mining, Reclamation, and Enforcement, and the surface owner, as appropriate, in order to address concerns should any arise.

### **Intensity:**

The following discussion is organized around the Ten Significance Criteria described in 40 CFR 1508.27 and incorporated into resources and issues considered (includes supplemental authorities Appendix 1 H-1790-1) and supplemental Instruction Memorandum, Acts, regulations and Executive Orders. The following have been considered in evaluating intensity for this proposal:

#### **1. Impacts that may be both beneficial and adverse.**

Adverse impacts of re-offering the lease would not be significant and existing state permits and mitigation measures would minimize or alleviate potential impacts.

The applicant, Best Coal Company, the employees of the Narley Mine, and the residents of Jefferson County, Alabama, are the primary users and parties interested in this action. If a Federal coal lease is issued, the life of the mine will be extended by six years. Approximate spending for those six years including the salary for 50 mine workers, and operational expenditures will be about \$15,000,000 per year over six years.

**2. The degree to which the proposed action affects public health or safety.**

There are no public health or safety issues anticipated from the implementation of the Proposed Action.

**3. Unique characteristics of the geographic area such as proximity to historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas.**

Apart from a small portion of wetlands, no lands with unique characteristics exist within the Proposed Action area, and any impacts to wetland and riparian values would be considered minor and short-term because of mitigation requirements associated with the Army Corps of Engineers Nationwide Permit.

**4. The degree to which the effects on the quality of the human environment are likely to be controversial.**

Effects on the quality of the human environment are not expected to be significant or highly controversial. Controversy in this context is considered to be in terms of disagreement about the nature of the effect- not the political controversy or expression of opposition to the action or preference among the alternatives analyzed within the EA.

**5. The degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risks.**

The proposed action of re-offering for lease approximately 160 acres of split estate federal coal for surface mining is not unique or unusual. The BLM has experience implementing similar actions in similar areas. The potential environmental effects on the human environment are fully analyzed in previous NEPA documents and the Supplement to the EA does not change the range of alternatives previously analyzed. There are no predicted effects on the human environment that are considered to be highly uncertain or involve unique or unknown risks.

**6. The degree to which the action may establish a precedent for future actions with significant effects or represents a decision in principle about a future consideration.**

This decision would not establish a precedent. This decision does not entail any known issues or elements that would create a precedent for future mining decisions. The decision does not represent a decision in principle about a future consideration.

**7. Whether the action is related to other actions with individually insignificant but cumulatively significant impacts.**

The Proposed Action was considered in the context of past, present, and reasonably foreseeable future actions. The lands in proximity to the coal lease modification are managed for multiple uses or are privately held lands. Minimal to negligible individual effects and minimal cumulative effects are expected when added to the existing situation and other potential activities.

**8. The degree to which the action may adversely affect districts, sites, highways, structures, or objects listed in or eligible for listing in the NRHP or may cause loss or destruction of significant scientific, cultural, or historical resources.**

P.E. La Moreaux & Associates, Inc. (PELA) has previously performed Phase I Cultural Resource Assessments in 2003, 2009, and 2012 within the boundary of the proposed area. PELA has determined that the project activities would have no adverse effects on cultural resources listed on or eligible for the National Register of Historic Places (NRHP). The SHPO has issued letters of concurrence with the Best Coal – Narley Mine No. 3 project area based on the findings of these studies.

**9. The degree to which the action may adversely affect an endangered or threatened species or its habitat that has been determined to be critical under the ESA of 1973.**

The BLM has previously analyzed the impacts of the Proposed Action to threatened, endangered and sensitive species. No concerns were identified. On April 22, 2013, the USFWS concurred that the PA is not likely to adversely affect endangered and threatened species. On June 27, 2013, BLM consulted with the USFWS. BLM was informed that consultation had already occurred with MEC, and that the section 7 consultation requirements had been met and no additional information was needed.

**10. Whether the action threatens a violation of Federal, State, or local law or requirements imposed for the protection of the environment.**

The project does not violate any known federal, state, local or tribal law or requirement imposed for the protection of the environment. In addition, the project is consistent with applicable land management plans, policies and programs.

  
Elizabeth Ivy  
Acting District Manager

6/25/18  
Date